



Questions and Answers on the 2024 Rule of Law Report

Brussels, 24 July 2024

What is the Rule of Law Report?

The Rule of Law Report is a preventive tool and part of the annual Rule of Law Cycle. It complements other mechanisms and instruments at EU level, each with their own purpose and together constituting the so-called '[EU Rule of Law Toolbox](#)'. The aim of the report is to monitor and assess significant developments with regards to the state of the rule of law, both positive and negative.

In identifying relevant challenges, the report seeks to support Member States in upholding the rule of law, working with the Commission, other Member States, and key stakeholders such as the Venice Commission. The report has become a key point of reference at EU and national level. Its dedicated monitoring has brought a stronger common understanding of developments at national level, helping to identify risks, develop possible solutions, and target support early on. The report covers developments in four key areas: justice systems, the anti-corruption framework, media freedom and pluralism, and other institutional issues linked to checks and balances.

The 2024 report presents an assessment of the rule of law situation in Member States, including the follow-up to the recommendations made in 2023, and significant developments at the EU level since July 2023. It consists of a general report and individual country chapters on the EU Member States and, for the first time, on four enlargement countries. For the Member States, the report also includes specific recommendations, aiming to further assist them in their efforts to take forward ongoing reforms and help them identify where improvements are needed.

Why have certain enlargement countries been included in the report and how were they chosen?

The inclusion of certain enlargement countries is the main novelty of the 2024 Rule of Law Report. Beyond the clear economic and security benefits of a larger Union, the EU is committed to promoting the rule of law as central to human rights and democracy globally and in its neighbourhood. A key goal of EU enlargement is to firmly anchor the rule of law in our continent. The inclusion of the most advanced enlargement countries in the 2024 Rule of Law Report aims at putting them on equal footing with Member States early on. It will support these countries' reform efforts to achieve irreversible progress on democracy and the rule of law ahead of accession, and to guarantee lasting high standards after accession.

The Commission has therefore invited Albania, Montenegro, North Macedonia, and Serbia to participate to the 2024 report on the basis of objective, merit-based criteria both as regards the formal stage of advancement in their respective accession process and the level of preparedness specifically concerning matters related to the rule of law. This approach enables an extension to other enlargement countries in the future, as foreseen in the President's political guidelines for the next European Commission.

How have Member States addressed the recommendations made in the 2023 report?

The 2024 report looks particularly at how Member States have followed up on the recommendations issued last year. The report finds that 68% of the recommendations made in 2023 have been followed up by Member States to different degrees, a similar figure as for last year's report. For each recommendation from 2023 an assessment of the progress made is provided. On this basis, and taking into account new developments, the 2024 report includes an updated set of country-specific recommendations for each Member State. These recommendations either follow up on last year's recommendations, where there was no or partial implementation, or address new challenges. They have been prepared in line with the principles established in the report's [methodology](#).

The objective of the recommendations is to support Member States in their efforts to take ongoing or planned reforms forward, to encourage positive developments, and to help them identify where improvements to recent changes or reforms may be needed. In the country chapters, the Commission has continued to follow up on the challenges and developments identified in the

previous reports, deepening its assessment in certain areas.

How has the Commission followed up on the recommendations and assessed their implementation?

The Commission invites Member States to hold technical follow-up meetings to discuss the recommendations included in the report. Several Member States have actively responded and engaged in this additional technical dialogue. In addition, regular bilateral meetings have been taking place at political level, and Commissioners also continued to discuss the Rule of Law Report with representatives in national Parliaments. The country visits provided an opportunity to exchange on the follow-up to recommendations issued in the 2023 report.

The analysis in the report contains an assessment of the progress made by Member States towards implementing the 2023 recommendations, based on a qualitative analysis of developments since July 2023, considering the overall context in the Member States. Depending on the progress made on the various subparts of each recommendation, the Commission concluded in each case using the following categories: no progress, some progress, significant progress, and full implementation.

The report shows that important efforts are being made to address the recommendations of the report. Depending on their nature and subject matter, some recommendations can take a longer time to address than the annual cycle of these reports. This may be due to the need for extensive political and stakeholder consultations, or the fact that electoral cycles can interrupt the progress of preparing and adopting legislation.

What are the principles for choosing the recommendations?

In line with the preventive nature of the report, and based on the continuous dialogue with Member States, the objective of these new recommendations is to: (i) support Member States in their efforts to take forward reforms; (ii) encourage positive developments; and (iii) identify where improvements or a follow-up on reforms may be needed, also with a view to addressing systemic challenges in certain cases. The recommendations stem directly from the analysis included in country chapters and aim to guide Member States to take appropriate measures to address concerns raised. The recommendations do not prejudice in any way any proceedings the Commission may initiate under other legal instruments, such as infringement procedures or the Conditionality Regulation.

In preparing the recommendations included in this report, the following principles have been observed, as established in the report's methodology:

- All Member States are subject to country-specific recommendations in full respect of the principles of equal treatment and proportionality.
- The recommendations in the report are based on an in-depth assessment in the country chapters, and the application of objective criteria grounded in EU law or European and international standards.
- The recommendations are proportionate to the identified challenges. They also encourage the pursuit of positive reform efforts.
- The recommendations are sufficiently specific to allow Member States to give a concrete and actionable follow-up, while taking the national competences, legal systems, and institutional context into account as relevant.
- In preparing the recommendations, the Commission has paid close attention to consistency and synergies with other processes, such as the European Semester, the Conditionality Regulation and the national Recovery and Resilience Plans.
- Subsequent editions of the Rule of Law Report will cover the follow-up to the recommendations.

There are no recommendations for enlargement countries in this report. Such recommendations are issued exclusively in the context of the annual Enlargement Package.

How did the Commission prepare the 2024 Rule of Law Report?

The 2024 edition is the result of an inclusive process with Member States and stakeholders, and follows the same public methodology as previous reports, updated following discussions with Member States.

In November 2023, Member States were consulted on the questionnaire used to collect input for the fifth report. Between December 2023 and January 2024, the Commission received written input from Member States and around 250 written contributions from stakeholders about specific developments in Member States, as well as at the EU-level. The enlargement countries also provided written updates, complementing the information provided in the context of the enlargement process.

Between January and April 2024, over 650 meetings as part of the country visits took place online across all 27 Member States and the four enlargement countries, and the Commission discussed rule of law developments with over 900 national authorities, including judicial authorities, law enforcement, as well as other stakeholders, such as journalists' and judges' associations and civil society organisations. All countries were given the opportunity to provide factual updates on their country chapters ahead of the adoption of the fifth Rule of Law Report.

The EU [Rule of Law Network](#), which was set up in 2020, continued to provide a channel of communication between the Commission and the Member States. Enlargement countries have also been invited to appoint a contact point, and since May 2024 they have participated as observers to this network.

How has the Commission assessed the developments related to the rule of law at national level?

The assessments contained in the country chapters were prepared in line with the Commission's [methodology](#), which is public and has been discussed with Member States. The work is based on a variety of sources and is focused on the report's four main pillars: the justice system, the anti-corruption framework, media freedom and pluralism, and other institutional checks and balances. For each pillar, the methodology recalled the EU law provisions and European standards relevant for the assessment. It also refers to opinions and recommendations from the Council of Europe, which provided useful guidance.

The country chapters rely on a qualitative assessment carried out by the Commission, focusing on a synthesis of significant developments since the adoption of the last report. The assessment covers both challenges and positive developments, including good practices. In each country chapter, the analysis focuses particularly on topics where there have been significant developments, or where important challenges have been identified in the previous report and persist during the reporting period. For the enlargement countries, while focusing on recent developments, an overview of the baseline situation in the countries is also provided to anchor the assessment.

The country-specific chapters do not purport to give an exhaustive description of the rule of law situation at national level but focus on the most significant developments. The specific recommendations tailored to each Member State stem directly from the assessments included in the country-specific chapters.

What is the value added of the Rule of Law Report?

Every year since 2020, the Rule of Law Report, by systematically and objectively examining rule of law developments in all Member States, has highlighted that the rule of law is central to citizens and businesses in every part of the EU. Five years on, the preparedness of Member States and of the EU as a whole to detect, prevent and address emerging challenges has greatly improved. This is also illustrated by the engagement and cooperation that Member States have once again demonstrated in the preparation of this year's report.

The report has become a true driver of positive reform – this year's edition again shows that important efforts are ongoing in Member States to follow-up on the previous year's recommendations and address challenges identified. At the same time, depending on their nature and subject matter, some recommendations can take a longer time to address than the annual cycle. Overall, two-thirds of the recommendations issued in 2023 related to important reforms in national justice systems, anti-corruption frameworks, media freedom and pluralism, and other institutional checks-and-balances, have been followed-up, at least to some extent. The 2024 recommendations aim to further assist and support Member States in their efforts to take forward on-going reforms and to identify where other improvements may be needed to address specific concerns.

The Rule of Law Report informs the political as well as the technical debate on the rule of law at both EU and national level. It is central to our efforts to promote and safeguard the rule of law in the EU. This has been confirmed in the positive evaluation of the Council's Annual Rule of Law Dialogue in 2023, which formalised the Rule of Law Report as the Dialogue's basis.

It is also used as the basis for discussions in the European Parliament, with general discussions and dedicated country-specific hearings and meetings organised as part of a pilot on democracy, the rule of law and fundamental rights, and a new Democracy, Rule of Law, and Fundamental Rights Monitoring Group.

At national level, the Commission has presented and discussed the country-specific findings of the annual Rule of Law Report in many national Parliaments. The Commission has furthermore continued to organise national [rule of law dialogues](#) together with the Fundamental Rights Agency, bringing together different national stakeholders at national level and seeking to include them more closely in

the follow-up to the Rule of Law Reports.

Which stakeholders were consulted on this report?

The Commission carried out targeted stakeholder consultations, which provided general and country-specific contributions from a variety of EU agencies, European networks, national, European civil society organisations and professional associations and international and European actors. These included: the [Fundamental Rights Agency](#), the [European Network of Councils for the Judiciary](#) (ENCJ), the [Network of the Presidents of the Supreme Judicial Courts of the European Union](#), the [European Network of National Human Rights Institutions](#) (ENNHRI), the [Council of Bars and Law Societies of Europe](#) (CCBE), the [Council of Europe](#), the UN Office of the High Commissioner for Human Rights and the [Organisation for Economic Co-operation and Development](#) (OECD) as well as national and international civil society and journalists' organisations.

The report also builds on a series of studies and reports, such as the [Media Pluralism Monitor](#), relevant [Eurobarometers](#), or the [EU Justice Scoreboard](#).

How will the Commission support Member States and enlargement countries in addressing the challenges identified?

Several instruments and funding opportunities are already in place to support structural reforms through technical assistance and the funding of projects. For example, since 2017, the Commission has had a dedicated [Technical Support Instrument](#) for rule of law reforms in Member States. The support can take the form of expert and fact-finding missions on the ground, sharing relevant best practice, diagnostic analyses, and the development and implementation of targeted solutions.

Moreover, the recommendations are meant to guide Member States to take measures to address specific concerns or areas for follow-up raised in the report. The Commission stands ready to further assist Member States in implementing the recommendations, including through bilateral technical dialogues.

Other Commission programmes, such as those for [Justice and Citizens, Equality, Rights and Values](#), also help Member States address challenges, including through calls for proposals open for civil society and other stakeholders.

To address a number of rule of law relevant country-specific recommendations under the European Semester by concrete reforms and investment measures, the Commission agreed with several Member States to include concrete milestones and targets in their Recovery and Resilience Plans. This includes important reform priorities, such as improving the business environment through effective public administration and justice systems. These were subsequently formally approved by the Council and are now being gradually implemented.

As announced in the President's 2024 guidelines, the Commission will seek to build a closer link between the Rule of Law Report and its recommendations and funding under the EU budget: this will be an important consideration as we seek to ensure that the next Multiannual Financial Framework offers the maximum to European citizens.

As regards enlargement countries, the Commission will continue to engage with partners in the context of the accession process. Issues related to the rule of law, the functioning of democratic institutions, and fundamental rights form part of the so-called "fundamentals" of the enlargement process. These essential issues are addressed as priority matters in the context of accession negotiations along with the economic criteria, public administration reform and public financial management. Enlargement is a merit-based process, thus progress on the fundamentals and the functioning of democratic institutions are core part of these countries' assessment. The rule of law is also an essential element of the new Western Balkans Reform and Growth Facility. To fully benefit from this unprecedented support mechanisms, countries need to prepare and implement an agreed reform agenda, including concrete steps on the fundamentals.

What is the Annual Rule of Law Cycle?

The [Annual Rule of Law Cycle](#) is an annual dialogue between the European Parliament, the Council and the Commission, as well as with Member States, national parliaments, civil society and other stakeholders. The Rule of Law Report is the centre of this process.

The annual cycle is organised around the preparation of the Rule of Law Report and its follow-up. It serves as a basis for discussions in the EU to prevent problems from emerging or deepening and identify and share best practice. Identifying challenges as soon as possible with mutual support from the Commission, other Member States, and stakeholders, including the Council of Europe, helps Member States safeguard and uphold the rule of law.

The Annual Rule of Law Cycle is part of broader EU efforts to promote and defend its fundamental

values. This work is also carried out through the [European Democracy Action Plan](#), the renewed [Strategy for the Implementation of the Charter of Fundamental Rights](#), as well as targeted strategies to help build a Union of Equality.

How does the Rule of Law Report relate to other procedures?

The Rule of Law Report is a preventive mechanism, aimed at improving the rule of law situation across the EU, raising awareness of challenges, and facilitating solutions early on to prevent deterioration. It complements several other mechanisms and instruments at EU level, each with their own purpose.

When preparing the report's recommendations, the Commission paid close attention to consistency and synergies with other processes, such as the European Semester, the General Conditionality Regulation and the national Recovery and Resilience Plans.

- **Article 7 of the Treaty on European Union (TEU)**

The Article 7 TEU procedure remains an exceptional response instrument for the EU to act where there is a clear risk of a serious breach, or the existence of a serious and persistent breach, of the values of Article 2 TEU, including the rule of law.

- **Infringement procedures**

Infringement procedures have a specific aim, namely, to ensure the correct application of EU law by Member States. Under the Treaties, the Commission may take legal action against a Member State that fails to implement EU law by launching an infringement procedure and ultimately referring the matter to the Court of Justice.

- **Rule of law conditionality mechanism**

The general regime of conditionality is a budgetary instrument designed to remedy adverse effects of breaches of the principles of the rule of law on the financial interests of the Union.

The Commission may take into account the Rule of Law Report, as well as other sources from other institutions (for instance, the European Anti-Fraud Office, the European Public Prosecutor's Office, and the European Court of Auditors), when identifying and assessing breaches of the principles of the rule of law that affect the financial interests of the EU.

- **Recovery and Resilience Facility**

To address a number of rule of law relevant country-specific recommendations under the European Semester by concrete reforms and investment measures, the Commission agreed with several Member States to include concrete milestones and targets in their Recovery and Resilience Plans. These were subsequently formally approved by the Council and are now being gradually implemented.

- **The EU Justice Scoreboard**

The EU Justice Scoreboard presents comparative data on the functioning of national justice systems. It is one of the sources of information which informs the Rule of Law Report, the Rule of Law Conditionality Mechanism, and the European Semester.

- **Enlargement Reports**

The annual Enlargement reports take stock of the overall progress of each country on the accession path. Only with tangible and continuous progress on the rule of law can the Commission recommend moving forward in the negotiations. The annual enlargement Package and country reports will continue to play the same role as before in the accession process. The inclusion of the most advanced enlargement countries in the Rule of Law Reports aims at putting them on equal footing with Member States early on. The monitoring exercise supports their reform efforts, helps authorities to make further meaningful progress in the accession process and to be ready to maintain high standards after accession.

For More Information

[2024 Rule of Law Report](#)

[2024 Rule of Law Report – the rule of law situation in the European Union](#)

[2024 Rule of Law Report – Recommendations](#)

[2024 Rule of Law Report – Country Chapters](#)

[2024 Rule of Law Report - Country Chapter Abstracts and Recommendations](#)

[2024 Rule of Law Report – Methodology](#)

[The Annual Rule of Law Cycle – Factsheet](#)

[The EU's Rule of Law Toolbox – Factsheet](#)

[2024 Rule of Law Report – press release](#)

[Special Eurobarometer 553 on Rule of Law](#)

[Eurobarometer 584 on citizens' attitudes towards corruption in the EU](#)

[Eurobarometer 542 on businesses' attitudes towards corruption in the EU](#)

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